

IN THE HIGH COURT OF JUDICATURE AT BOMBAY
ORDINARY ORIGINAL CIVIL JURISDICTION

NOTICE OF MOTION NO.349 OF 2004
IN
WRIT PETITION NO.2367 OF 2000

M/s.Natasha Towers Co-op. Hsg.
Soc. Limited

Petitioner

versus

Bombay Municipal Corporation
Law Department and others

Respondents

V.P.Vaze for petitioners.

Ms.P.A.Purandare for respondent no.1.

M.N.Naik, AGP for respondent no.2.

J.Reis with Y.M.Chaudhary for respondent no.4

CORAM : H.L.GOKHALE AND
S.C.DHARMADHIKARI, JJ.

DATE : 25th February 2005

PC :

1. Heard Mr.Vaze in support of this motion. The motion seeks modification in the order passed by this Court on 24th January 2001 which was passed when the petition was admitted. Petitioner society sought occupancy certificate from the Municipal Corporation. That was not being given because of the Government's objection inasmuch as the necessary number of flats as per the ULC

permission were not released to the Government nominees. In spite of that considering the difficulties of the occupants, High Court directed the Municipal Corporation to grant provisional occupancy certificate by order passed on 14th January 2002. However, while issuing that direction the High Court was of the view that there should not be any changes amongst occupants and therefore no further sale, transfer etc. was to be permitted.

2. Mr.Vaze for the petitioners submits that it is causing hardship and that there is a corrigendum of the Government dated 23rd November 1999 reducing the number of flats to be handed over. That is a document prior to the order of High Court. There is no reason to alter the order. Motion rejected.

(H.L.GOKHALE, J.)

(S.C.DHARMADHIKARI, J.)